

THE STATE OF TEXAS

COUNTY OF CAMERON

BE IT REMEMBERED on the 6th day of MAY, 1997, there was conducted a REGULAR Public Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

4:00 P. M.

PRESENT:

GILBERTO HINOJOSA  
COUNTY JUDGE

PEDRO "PETE" BENAVIDES  
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS, C.P.A.  
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ  
COMMISSIONER, PRECINCT NO. 3

HECTOR PEÑA  
COMMISSIONER, PRECINCT NO. 4

Hilda V. Treviño Deputy  
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Gilberto Hinojosa.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on May 2, 1997, at 11:52 A.M., and the Supplemental Agenda posted and filed on May 2, 1997, at 3:36 P.M.:

**(1) AUTHORIZATION TO OPEN BIDS FOR THE LOS  
TOMATES/MATAMOROS III INTERNATIONAL  
BRIDGE**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Bids for the Los Tomates/Matamoros III International Bridge were opened.

**The Bids follow:**

**(2) EXECUTIVE SESSION**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the Court met in Executive Session at 4:10 P.M. to discuss the following matters:

At this time, Mr. Mark Yates, County Auditor, suggested that the County should retain an Insurance Consultant to review the Bond and Insurance documents received with the Bids for the Los Tomates/Matamoros III International Bridge.

Judge Hinojosa recommended that the Insurance Consultant utilized to review the Health Insurance Proposals be retained.

- a) Confer with County Counsel to discuss the acquisition of a certain tract of land adjoining Cameron Park Community Center for the Cameron Park Recreation Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- b) Confer with County Counsel concerning the potential litigation regarding the Adult Probation Office Project; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A&B);
- c) Deliberation regarding the Real Property concerning the Precinct No. 3 Warehouse, located on FM/2893, Los Fresnos, Texas; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.072;
- d) Confer with County Counsel concerning the Legal issues of the property located at Abstract No. 2 - Cameron Park No. 2, Lot No. 21, Block No. 31, Brownsville, Cameron County, Texas, involving discussions in which the duty of the Attorney under the Rules of Professional Conduct conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2);
- e) Confer with County Counsel concerning the demolition of the Cameron County Warehouse located at Block No. 173, Original Townsite, Brownsville, Cameron County, Texas, involving discussions in which the duty of the Attorney under the Rules of Professional Conduct conflicts with the Open Meetings Act; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (2); and
- f) Confer with County Counsel to discuss the authority to hire Counsel for Justice of the Peace Gualberto Weaver and Constable Jose Alfredo Jimenez; pursuant to Vernon Texas Code Annotated (V.T.C.A.), Government Code, Section 551.071 (1)(A).

At this time, Judge Hinojosa asked Mr. Bob Clark, Brownsville resident, for the invocation and Commissioner Cascos to lead the Court and the audience in reciting the Pledge of Allegiance.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Court reconvened in Regular Session at 5:14 P.M.

At this time, Judge Hinojosa recognized Mr. John Hudson, Traffic Engineers, Incorporated, for his assistance in obtaining the Diplomatic Notes for the Los Tomates International Bridge.

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**(3) ACTION RELATIVE TO EXECUTIVE SESSION**

- a) Confer with County Counsel to discuss the acquisition of a certain tract of land adjoining the Cameron Park Community Center for the Cameron Park Recreation Project.

Judge Hinojosa reported that Mr. Frank Bejarano, Program Development and Management Director, should be authorized to make a counter proposal for further negotiations regarding said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, Mr. Frank Bejarano, Program Development and Management Director, was authorized to make a Counter Proposal for further negotiations regarding the acquisition of a certain tract of land adjoining the Cameron Park Community Center for the Cameron Park Recreation Project.

- b) Confer with County Counsel concerning the potential litigation regarding the Adult Probation Office Project.

Commissioner Cascos reported that the said matter should be settled with Terry Ray Construction, in the amount of \$160,000.00 on Option No. 4.

Commissioner Cascos moved that the settlement offer with Terry Ray Construction be approved, in the amount of \$160,000.00 on Option No. 4, regarding the litigation of the Adult Probation Office Project.

The motion was seconded by Commissioner Matz and carried unanimously.

Mr. Doug Wright, Cameron County Counsel, suggested that a Memorandum of Understanding between Cameron County and Terry Ray Construction be executed, setting forth the scope of work consistent with Option No. 4, proposed by Mr. Frank Bejarano, Program Development and Management Director.

- c) Deliberation regarding the Real Property concerning the Precinct No. 3 Warehouse, located on FM/2893, Los Fresnos, Texas.

Commissioner Cascos reported that the Status Report by County Counsel should be acknowledged and that Mr. Doug Wright, Cameron County Counsel, should write a letter explaining the terms of the Contract regarding said matter.

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Status Report by County Counsel was acknowledged and County Counsel was directed to draft a letter explaining the terms and conditions of the Contract regarding the Real Property concerning the Precinct No. 3 Warehouse, located on FM/2893, Los Fresnos, Texas.

- d) Confer with County Counsel concerning the Legal issues of the property located at Abstract No. 2 - Cameron Park No. 2, Lot No. 21, Block No. 31, Brownsville, Cameron County, Texas, involving the discussions in which the duty of the Attorney under the Rules of Professional Conduct conflicts with the Open Meetings Act.

Commissioner Cascos reported that Mr. Frank Bejarano, Program Development and Management Director, should be instructed to take the appropriate steps to clear the Title, in order for Cameron County to become the Legal owner regarding said matter.

Commissioner Cascos moved that Mr. Frank Bejarano, Program Development and Management Director, be directed to take the appropriate actions to clear the Title, in order for the County to obtain Legal Ownership of the property located at Abstract No. 2 - Cameron Park No. 2, Lot No. 21, Block No. 31, Brownsville, Cameron County, Texas, involving the discussions in which the duty of the Attorney under the Rules of Professional Conduct conflicts with the Open Meetings Act.

The motion was seconded by Commissioner Benavides and carried unanimously.

- e) Confer with County Counsel concerning the demolition of the Cameron County Warehouse located at Block No. 173, Original Townsite, Brownsville, Cameron County, Texas, involving the discussions in which the duty of the Attorney under the Rules of Professional Conduct conflicts with the Open Meetings Act.

Mr. Doug Wright, Cameron County Counsel, reported that the Request for Proposal should be advertised for the sale and demolition regarding said matter.

Commissioner Cascos moved that the Request for Proposals be advertised for the sale and demolition of the Cameron County Warehouse located at Block No. 173, Original Townsite, Brownsville, Cameron County, Texas, involving the discussions in which the duty of the Attorney under the Rules of Professional Conduct conflicts with the Open Meetings Act.

The motion was seconded by Commissioner Benavides and carried unanimously.

- f) Confer with County Counsel to discuss the authority to hire Counsel for Justice of the Peace Gualberto Weaver and Constable Jose Alfredo Jimenez.

Commissioner Cascos reported that the hiring of Counsel should be authorized for Justice of the Peace Gualberto Weaver and Constable Jose Alfredo Jimenez and noted that Commissioner Peña was not present for the discussion regarding said matter.

Mr. Doug Wright, Cameron County Counsel, reported that County Counsel was directed to contact a firm to represent the Justice of the Peace and the Constable and to enter into a Standard Professional Services Contract, noting that County would select Counsel.

Commissioner Cascos moved that County Counsel be directed to contact a Firm, selected by the County, and execute a Standard Professional Services Contract to represent Justice of the Peace Gualberto Weaver and Constable Alfredo Jimenez, noting that Commissioner Peña was not present for the discussion regarding said matter.

The motion was seconded by Commissioner Benavides and carried as follows:

**AYE:** Commissioners Benavides, Cascos and Matz

**NAY:** None

**ABSTAINED:** Commissioner Peña.

(9) **ADOPTION OF A RESOLUTION SUPPORTING  
THE NAMING OF THE NEW UNITED STATES  
FEDERAL COURTHOUSE IN BROWNSVILLE,  
TEXAS, AS FILEMON B. VELA**

Commissioner Peña moved that the Resolution supporting the naming of the new United States Federal Courthouse in Brownsville, Texas, as Filemon B. Vela be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Resolution is as follows:**

**(10) ADOPTION OF A RESOLUTION HONORING  
JUDGE MIGDALIA LOPEZ ON THE OCCASION  
OF HER BEING NAMED A HISPANIC WOMAN OF  
THE YEAR®**

At this time, Judge Hinojosa presented the Resolution honoring Judge Migdalia Lopez, County Court at Law No. 2, on the occasion of her being named A Hispanic Woman of the Year® and added that Judge Lopez was the first Hispanic woman in Cameron County to be elected as a Judge. He stated that Judge Lopez was recognized by Vista Magazine as one of thirteen (13) Hispanic women throughout the United States and was presented the 1997 Achievement Awards in Washington, D.C.

Judge Migdalia Lopez expressed her gratitude to the Court for their confidence and support.

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Resolution honoring Judge Migdalia Lopez, County Court at Law No. 2, on the occasion of her being named A Hispanic Woman of the Year®, was adopted.

**The Resolution is as follows:**

**(11) ADOPTION OF A RESOLUTION HONORING  
MOSES A. WESTBROOK AND PROCLAIMING  
MAY 9, 1997, AS AMOSES A . WESTBROOK@ IN  
CAMERON COUNTY**

Commissioner Cascos moved that the Resolution honoring Moses A. Westbrook and Proclaiming May 9, 1997, as AMoses A. Westbrook@ in Cameron County be adopted.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Resolution is as follows:**



**(4) APPROVAL OF COUNTY CLAIMS**

Upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the County Claims were approved as presented by the County Auditor.

**The Budget Officer's Comments Report is as follows:**

**(5) IN THE MATTER OF THE BUDGET  
AMENDMENTS AND/OR SALARY SCHEDULES  
(NO ACTION TAKEN)**

At this time, the County Auditor noted that there were no Budget Amendments and /or Salary Schedules for approval.

**(23) IN THE MATTER OF THE SERVICES OF  
WILBUR SMITH AND ASSOCIATES TO  
PROVIDE A FINANCIAL STUDY FOR THE  
PARKING GARAGE AT THE GATEWAY  
BRIDGE (TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, this Item was **TABLED**.

**(28) APPROVAL OF THE PURCHASE WITHOUT THE  
PURCHASE ORDER FROM WESTREX  
INTERNATIONAL, IN THE AMOUNT OF \$100.00**

Commissioner Cascos moved that the Purchase without the Purchase Order from Westrex International, in the amount of \$100.00, be approved.

The motion was seconded by Commissioner Benavides and carried unanimously.

**(30) AUTHORIZATION TO CREATE A NEW  
POSITION FOR A MAINTENANCE GROUNDS  
KEEPER, UTILIZING .005 LINE ITEM FUNDS**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Position for a Maintenance Grounds Keeper was created, utilizing .005 Line Item Funds.

**(12) AUTHORIZATION TO PURCHASE TWO (2)  
PERSONAL COMPUTERS AND TWO (2) HP  
LASER JET 4 PRINTERS FOR DISTRICT  
COURTS 138TH AND 197TH**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the purchase of two (2) Personal Computers and two (2) HP Laser Jet 4 Printers were approved for the 138th and the 197th District Courts.

**(13) APPROVAL TO HIRE TWO (2) TEMPORARY/EXTRA HELP ROAD AND BRIDGE TECHNICIANS FOR COMMISSIONER PRECINCT NO. 4**

Commissioner Cascos moved that two (2) Temporary/Extra Help Road and Bridge Technicians be hired for Commissioner Precinct No. 4.

The motion was seconded by Commissioner Peña and carried unanimously.

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**(14) APPROVAL OF THE AGREEMENT BETWEEN CAMERON COUNTY AND THE HARLINGEN POLICE DEPARTMENT TO GIVE PROSPECTIVE SHERIFF-S DEPUTIES AGILITY EXAMS**

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the Agreement between Cameron County and the Harlingen Police Department to give Prospective Sheriff-s Deputies Agility Exams was approved.

**(15) APPROVAL OF THE AGREEMENT BETWEEN CAMERON COUNTY AND THE HARLINGEN POLICE DEPARTMENT TO GIVE TRAINING TO SHERIFF-S DEPUTIES**

Commissioner Matz moved that the Agreement between Cameron County and the Harlingen Police Department to give training to Sheriff-s Deputies be approved.

The motion was seconded by Commissioner Peña and carried unanimously.

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**(16) APPROVAL OF THE LICENSE AGREEMENT BETWEEN CAMERON COUNTY AND THE HARLINGEN POLICE DEPARTMENT TO USE BULLET RESISTANCE VESTS FOR THE CAMERON COUNTY CONSTABLES**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the License Agreement between Cameron County and the Harlingen Police Department to use bullet resistance vests for the Cameron County Constables was approved.

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**(6) PRESENTATION AND ACCEPTANCE OF THE  
RECOMMENDATIONS OF THE PROPERTY TAX  
COMMITTEE ON THE SELECTION OF THE  
DELINQUENT TAX COLLECTION LAW FIRMS**

At this time, Mr. Mark Yates, County Auditor, read the following letter addressed to the Commissioners=  
Court regarding the recommendations made by the Delinquent Tax Committee:

Judge Hinojosa moved that the recommendation of the Property Tax Committee on the selection of the Delinquent Tax Collection Law Firms be accepted, with the addition of the County's current Tax Collection Firm of Heard, Goggan, Blair and Williams and that the Conflict of Interest be modified to state that the Firm agree not to engage in any future Contracts where there is a conflict of interest and that the Firm not be prohibited from engaging in Current Tax Collection whether the Firm engaged in existing Contracts with the County.

Judge Hinojosa clarified that if the Current Tax Collection Bids were advertised the Competition Clause would take effect and that if the Firm was already engaged in a Current Tax Collection situation, said Firm should not be precluded from getting the Contract due to their existing position.

The motion was seconded by Commissioner Benavides.

Commissioner Matz and Commissioner Peña expressed concern as to the recommendations of the Committee being honored.

Judge Hinojosa stated that the Firm of Heard, Goggan, Blair and Williams, which was the largest Tax Collection Firm in the State, should be added to the short list due to their existing services in Tax Collection for the County and added that the Firm should be given the opportunity to make a presentation.

Upon motion duly made, Judge Hinojosa moved that the recommendation of the Property Tax Committee on the selection of the Delinquent Tax Collection Law Firms be accepted, with the addition of the County's current Tax Collection Firm of Heard, Goggan, Blair and Williams and that the Conflict of Interest be modified to state that the Firm agree not to engage in any future Contracts where there is a conflict of interest and that the Firm not be prohibited from engaging in Current Tax Collection whether the Firm engaged in existing Contracts with the County.

The motion was seconded by Commissioner Benavides and carried as follows:

**AYE:** Commissioners Benavides, Cascos and Judge Hinojosa

**NAY:** Commissioners Matz and Peña.

**(7) AUTHORIZATION OF THE UNDERGROUND  
PLACEMENT OF THE OPEN DRAINAGE DITCH  
ON LOT NO. 10, BLOCK NO. 43, CAMERON  
PARK SUBDIVISION, SECOND INSTALLMENT**

At this time, Ms. Elida Zuniga, Cameron Park resident, stated that the open drain ditch was a hazardous area on her property and requested that the County place the drain ditch underground.

Mr. Frank Bejarano, Program Development and Management Director, stated that the County had created the ditch and stated that the easement would need to be acquired from the Property Owner.

Commissioner Cascos recommended that the open drain ditch be repaired and that the funding be allocated from Precinct No. 2.

At this time, Sheriff Omar Lucio offered to assist in repairing the problem by utilizing the Prisoners at Work Program.

Commissioner Cascos directed the Right-of-Way Agent to explain that once the easement was acquired by the County the Property Owner would not be able to construct on said property.

Commissioner Cascos moved that the Presentation regarding the underground placement of the open drainage ditch on Lot No. 10, Block No. 43, Cameron Park Subdivision, Second Installment be acknowledged.

The motion was seconded by Commissioner Benavides and carried unanimously.

**[REDACTED]**

**(8) IN THE MATTER OF THE MAINTENANCE OF  
ROADS WITHIN VALLEY ESTATES III  
SUBDIVISION, CAB. NO. 1, PAGE NO. 215-A, IN  
PRECINCT NO. 3 (TABLED)**

At this time, Ms. Barbara Paris, Valley Estates III Subdivision resident, stated "We are here to petition to the Cameron County Commissioners= Court on the maintenance of our subdivision roads in Valley Estates III. As described on the subdivision plat, the streets are dedicated to the public and met or exceeded the County requirements and are constructed in accordance to County specifications and complied with the subdivision ordinances mandated by Cameron County. Therefore, we are requesting that Cameron County accept the responsibility for the maintenance of our roads and attached with the petition is a letter from Andy Cavazos with Precinct No. 3 stating that the County has been maintaining these roads since these roads have been developed. And attached to that also is a Memo from Commissioner Matz explaining and outlining the County=s Policy on the acceptance of Private roads into the County Road System, which we are not a private road, we are a dedicated road to the public. And the public is the County and the County represents the public. We are asking for the County to accept the responsibility of the maintenance.@"

Judge Hinojosa stated "There is a Memo here from the Engineering Department that suggest that these roads should have been accepted when the subdivision was approved and for some reason they were left out and that is why it was placed on the Agenda. That is why we believe that it was an appropriate item to be placed to make a determination on why they had not been accepted and whether there was a problem with accepting it. And as I understand, other than the issue with respect to the cost associated with repairing them, which is not something that we are taking up at this time, because as you know we operate now under the system where each Commissioner fix their

own roads. The issue of determination of whether or not they are accepted into the County is the Commissioners= Court issue and that is why we placed it on the Agenda.

Commissioner Peña questioned AWe are back to finding a fact, is that what we are doing?@

Mr. Doug Wright, Cameron County Counsel, responded AThe way this Item is on the Agenda, it is not properly on for acceptance into the road system. This is a discussion that Mr. Garza and I had. I questioned, you see, what happens from the stand point of the roads being the obligation of the County to maintain, the fact that the subdivision was approved does not impose that obligation on the County. The County has to take, Commissioners= Court, separate action, to take the roads into the County Road System and accepting them. The fact that they are public roads does not impose that obligation on the County. They are dedicated, and I am sure they are, for roadway purposes when the subdivision was approved by the County, they accepted the fact that the roads are public roads. The County also has an additional step it has to take and that is to bring it in to the County System. It is my understanding after the Engineers Office researched this, there is no action by the Commissioners= Court taking these roads into the County System at this point.@

Ms. Paris stated AIt is also, I am sorry, it is also my understanding that there were no road files, therefore there was no evidence that we found. They were not able to provide me with any guidelines or what was necessary back in 1978 for the acceptance of the road into the County Road System. And, it is my understanding by the plat that the Commissioners=, that everything is signed off.@

Judge Hinojosa questioned AWhat is the procedure here then?@

Mr. Wright replied AWell, if it is the desire of the Court to accept these in and make these part of the County System then you have got the evidence through platting process through the subdivision that it is a public road. It is public record that it is a public road, so you do not have to make that determination. But you have to properly put it on the Agenda to bring it into the County System. The way this is worded; consideration and possible action on maintenance of the roads. That is a step ahead of yourself.@

Judge Hinojosa stated AAnd, that is something that we do not do, o.k.? That is up to the Commissioner on terms of maintenance. Until we have a Consolidated Road Program, which we are not there yet, although you all voted for it, we do not maintain the roads, the County does not, the individual Commissioners maintain the particular roads. The only issue has to be from perspective is to whether or not we accept it into the County Road System and then at that point it is up to the Commissioner whether or not he wants to maintain it. But, we can if it is properly on the Agenda, place it on for acceptance.@

Valley Estates resident stated ASo that is our next step, to get this reworded as acceptance of the road.@

Judge Hinojosa replied ARight.®

Commissioner Peña stated AI would like if you would get with the Commissioner and say Athis is something we would like to see on the Agenda and it is up to him to come up with that Agenda Item and sit down with this and say >help us with this or not help me with this=. And, that, for me, would be the best way to handle it. Just to be real honest with you, o.k.®

Commissioner Cascos stated AHe should be the one that spearheads it and supports it because I think some members of the Court, me included, would be hesitant to accept something if he is denying it saying no, no, no. Then we are saying we are going to stick it to you anyway. It is your Budget, o.k.®

Ms. Paris stated AThat is not why I am here to do that. This is what I was told would have to be the next step, in order to get the roads into the County Road System, was to petition. That is the last thing I wanted to do. And I have been researching this since March 1993, and everything that I have, says that we are in accordance to all the County Regulations.®

Commissioner Cascos stated AWell, according to this Memorandum that is from Javier Mendez to Commissioner Matz dated today or yesterday, there appears to be not enough Right-of-Way for this. Javier, is that accurate, it is sixty foot (60') and then fifty foot (50')?®

Mr. Javier Mendez, Engineering Department, responded AThe Right-of-Way meets the County Subdivision Rules, but the problem was that when the Subdivision was approved by the Court, they did not come back a year after.®

Commissioner Cascos questioned ANow who is >they=?®

Mr. Mendez replied AIt should have been part joint. It should have been the Developer and the County Engineering; they should have come back to the Court, officially.®

Commissioner Cascos stated AThis was back in 1981 so what happened was way back then they should have come back like they do now and say Athey have met all the standards, the roads are paved, they are in good shape, we accept it.® So now we are coming back twenty-six (26) years later and basically saying; well, we need to have these brought in and we need thirty thousand dollars or twenty-three. This is 1981? So what is it, sixteen (16) years? A decade and a half. And then we come back and say the road needs twenty some odd thousands dollars of improvements. So we missed a step back then. So now they are saying, well, then, Commissioner Precinct No. 3 has got to front the money, I guess for this.®

Mr. Mendez stated AThere was no Policy at that time.®

Ms. Paris stated AThat is right, there was no Policy.®

Commissioner Cascos stated AAnd none of us were here back in 1981.®



Ms. Paris stated AAnd that is why I am saying there was no Policy and therefore we are suffering for it now. And the only reason the issue came up is because our roads as this letter states from Andy Cavazos, they have been deteriorating. Precinct No. 3 and Commissioner Matz has been more than generous to come out and patch holes and so forth and it is our understanding that last year, and I was told about three (3) years ago that our roads would be repaved in two (2) years. It did not happen in 1994 because they did not budget for it. And this is what I have been hearing. So last summer I contacted Precinct No. 3 and said; o.k. it has been two (2) years. Are you coming and he said let me talk with Commissioner Matz.@

Commissioner Matz questioned ABarbara who told you they were going to be paved?@

Mr. Paris replied AAndy Cavazos, Precinct No. 3.@

Commissioner Matz questioned AWhen did he tell you this?@

Ms. Paris responded AIt was right before I met with you, sir.@

Commissioner Matz stated AWell, unfortunately he is not here and we do need him here. And I would like to question that because...@

Ms. Paris stated AHe said there was not any money, that it was not budgeted, when he spoke with me. And then I guess they started researching the files and the County Engineering Office said they could not find any files where these roads were formally accepted. And back to the form of accepting this, my understanding, there was no Policy. So, we just felt like we had done all that we had done that was necessary back in 1978. We are patching them out of our pocket now. They won't even come out and patch anymore for us and they have been maintaining those, Andy Cavazos said since he has been with Precinct No. 3. He said >we have been maintaining these roads for you=@

Commissioner Matz stated ALet me make a few points if I may, Barbara. No. 1, I wish you had sent me your letter because the first I saw of it came out of the Judge's Office with an Agenda Item and note saying it had been put on the Agenda. No. 2, I do not have a copy of this package you are talking about, the petition.@

Judge Hinojosa stated AThey just handed it to us.@

Commissioner Matz stated AWell, I have not seen this.@

Judge Hinojosa stated AI had not seen it until now.@

Commissioner Matz stated AIt would be good to be able to see those things before you come to me. As a matter of fact, everyone on the Commission should have one of those. Third, we had not, as I told you before, those roads were never formally accepted by the County and there is a procedure and Policy, etcetera. I told you that because the County had, Precinct No. 3 had done maintenance on those roads in the past that we would continue to do that, and that is called Prescriptive Rights. And we get in to this, in a lot of situations where roads are not formally

accepted, but because of public use, the County will have the obligation, the right to go in and do some of this work. But, that is for patching the potholes and that sort of thing. That is very different from repaving or resurfacing a road. What I asked Javier to do this morning, was to give us a cost estimate as to what it would cost at this point in time. And his cost estimate in this Memo, and I only have one copy and I am sorry but we will get you a copy of it, says it would be roughly \$23,000.00 to do roughly a half a mile of roads. So that gives you some idea of what the order of magnitude is. As far as relative cost and need and that sort of thing, as I explained to you when we met out there and I tried to, and the correspondence that I sent you, when you look at the very limited budget that exists for Precinct No. 3 and the total number of miles. You have to set priorities. And the fact is, relatively speaking, you are in a lot better shape than a lot of other people might be.®

Ms. Paris replied ABut Commissioner Matz, I mean, our roads will be soon like the rest of them if we do not maintain them.®

Commissioner Matz responded AWell, I hear what you say.®

Ms. Paris stated AThis acceptance of a non-dedicated roads into the County Road System sir, this does not pertain to us. We are a dedicated road.®

Commissioner Matz stated AI would ask the County Attorney to explain that to you again. I know it is confusing Barbara, I know it is confusing. But, it was never accepted by the County. That is the bottom line.®

Mr. Wright explained that AThe local unit of government must accept the roads into the County Road System, there is long line of case law that supports this position. There is a process of having a subdivision created, the need to organize lands and have public access to the property. You go through that process, you have only taken one step up the staircase that would actually be the obligation of that local unit of government in maintaining those roads. There is a very good public policy reason for this. Simply, the filing of the Subdivision does not impose the County the obligation of maintaining those roads. The infrastructure in Cameron County is very vast and monies that the County imposes in taxation on the citizens is very small compared to the other taxing entities. We are stretching the dollar and I am getting into a political argument now and the bottom line is that there is a very good reason why it is necessary for these men to have the Policy decision to bring this in.®

Ms. Paris stated AIs this the County's responsibility or it is not. And whether it is going to take five (5) years before they even budget, that is fine.®

Mr. Wright responded AThe problem is, no, it is not the responsibility of the County to legally right now maintain these roads. As I understand it, what the Commissioner has done out of the need to public access, they worked on the private roads that belong to the Subdivision and are public, but are not part of the County System. And

right now there is no obligation on the part of the County to maintain those. If they decide to bring these roads into the County System, then it is the continuing obligation for them to maintain them, or go through another legal process to abandon them or to cease working on them. Once they take on these responsibilities, financial obligations, they can not just forget about them. Now, at this point in time, they have not taken those steps that need to be made. One has already been accomplished, the subdivision issue which has established your road as a public road, but there is no obligation on the part of the County at this time that indicates maintaining the road. That answers your question.®

Valley Estates III resident stated AAs I understand it, our next step for being accepted is to meet Mr. Matz and Mr. Peña, if he wants to be a part of this.®

At this time, Mr. Mark Yates, County Auditor, suggested ACommissioners, I think we are so close to a Budget year, that through this Road Consolidation approach that we are looking at this point in time, that we develop a Policy with Road Consolidation. How many miles or linear feet of roads that we bring into acceptance every year and we can provide for roads. Set a priority list and those that meet these qualifications, place them on the priority list and then fill that linear feet or miles of road that we should bring into the County System as a reflection of the growth of the County.®

Commissioner Cascos stated ABut, before they even get on the priority list, they have got to be accepted.®

Mr. Yates suggested AA priority list for acceptance.®

Commissioner Cascos stated AWell, my understanding is a priority list for paving.®

Commissioner Matz stated AI think you take a look at what is in already and then you take a look at those that are out there like this. Because, as I understand, we do not even know how many miles of road we have in Cameron County. I have got three (3) sets of numbers and nobody can verify which is correct.®

Judge Hinojosa suggested AThen what we will do, you all get together with Commissioner Matz and talk about this and we are going to Table it for right now and then we will see what happens, o.k.®

Upon motion by Commissioner Benavides, seconded by Commissioner Matz and carried unanimously, this Item was **TABLED**.



- (17) **AUTHORIZATION TO TRANSFER THE INTEREST EARNED IN THE GENERAL CLAIMS, JURY AND PAYROLL ACCOUNTS, IN THE AMOUNT OF \$80,106.95, TO THE GENERAL FUND NO. 10**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the interest earned in the General Claims, Jury and Payroll Accounts, in the amount of \$80,106.95, were transferred to General Fund No. 10.

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**(18) AUTHORIZATION TO INCREASE THE AUTO ALLOWANCE FOR WARRANT OFFICER WITH JUSTICE OF THE PEACE PRECINCT NO. 2 PLACE NO. 1**

Upon motion by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the Auto Allowance for the Justice of the Peace Precinct No. 2, Place No. 1, Warrant Officer was increased, in the amount of \$3,000.00 per year.

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**(19) APPROVAL OF THE ALLOCATION OF FIFTY (50) GALLONS OF GAS PER WEEK FOR THE BEACH PATROL FOR CONSTABLE PRECINCT NO. 2**

At this time, Judge Hinojosa expressed the Court's support regarding said issue due to the crime, which was dominating the Park and added that many citizens had complimented the Beach Patrol for creating a safe environment at the Park. He stated that there were future plans for said Park and added that the Beach Patrol was a great idea, noting that Sheriff Omar Lucio had provided a four-wheel drive vehicle for the patrolling of the beach.

Commissioner Cascos moved that fifty (50) gallons of gas per week be allocated for the Beach Patrol for Constable Precinct No. 2.

The motion was seconded by Commissioner Benavides.

Constable Conrado Cantu, Precinct No. 2, noted that the Emergency Medical Services had donated a first aid kit and St. Josephs Water Company had donated drinking water.

Commissioner Matz questioned the amount allocated for the fifty (50) gallons of gas and the County Auditor responded that the funds allocated would be an annual amount of \$2,305.00.

Mr. Mark Yates, County Auditor, suggested that the Court address the Policy regarding the Reserve Deputies being allowed to drive County vehicles and added that funds be provided for a set of tires or tire maintenance and repair.

Commissioner Cascos recommended that the amount of \$1,000.00 be transferred into Constable's Precinct No. 2 Budget, in order to have access to the funds if necessary, noting that said issue be made part of the motion.

At this time, Judge Hinojosa suggested that the Prisoners at Work (PAW) Program clean up the beach once a week during the summer months and that signs be posted regarding littering.

Upon motion duly made by Commissioner Cascos, seconded by Commissioner Benavides and carried unanimously, the funds for fifty (50) gallons of gas per week and for tire repair and maintenance were allocated for the Beach Patrol for Constable Precinct No. 2.

**(20) APPROVAL OF THE RESERVE DEPUTIES FOR  
CONSTABLE PRECINCT NO. 2**

At this time, Mr. Doug Wright, Cameron County Counsel, stated that a list had been submitted to the Personnel Director, in which Bonds were not appropriately signed and complied with, noting that the County Clerk's Office was aware of the issue.

Constable Conrado Cantu, Precinct No 2, noted that the Reserve Deputies were to be utilized for the Beach Patrol and added that the Deputies patrolled the beach on weekends from 10:00 A.M. to 6:00 P.M.

Commissioner Benavides suggested that the Beach be patrolled until a later hour.

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Reserve Deputies for Constable Precinct No. 2, were approved.

**The Bonds are as follow:**

**(21) AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF THE PARKING LOT EXPANSION SITUATED ON THE SOUTHEAST, ONE HALF OF BLOCK NO. 173 OF THE ORIGINAL TOWNSITE OF BROWNSVILLE**

Commissioner Matz moved that the Bids for the construction of the parking lot expansion situated on the Southeast, one half of Block No. 173, of the Original Townsite of Brownsville be advertised.

The motion was seconded by Commissioner Peña and carried unanimously.

**(22) AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE SALE AND DEMOLITION OF THE CARPENTRY WAREHOUSE**

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Bids for the sale and demolition of the Carpentry Warehouse was approved.

**(24) APPROVAL OF THE LEASE CONTRACT WITH ST. MARY-S CATHOLIC CHURCH, LOCATED AT 101 SAN ANTONIO AVENUE, SANTA ROSA, CAMERON COUNTY, TEXAS, FOR THE CAMERON COUNTY HEALTH DEPARTMENT WOMEN-S, INFANTS AND CHILDREN-S (WIC) PROGRAM**

Upon motion by Commissioner Peña, seconded by Commissioner Matz and carried unanimously, the Lease Contract with St. Mary-s Catholic Church, located at 101 San Antonio Avenue, Santa Rosa, Cameron County, Texas, for the Cameron County Health Department Women-s, Infants, and Children-s (WIC) Program was approved.

**The Agreement is as follows:**

**(25) APPROVAL OF THE RENEWAL LEASE AGREEMENT WITH ERNESTO GARZA, JR., FOR THE PROPERTY LOCATED AT 3419-A PAREDES LINE ROAD, BROWNSVILLE, CAMERON COUNTY, TEXAS, FOR THE CAMERON COUNTY WOMEN-S, INFANTS AND CHILDREN-S (WIC) PROGRAM**

Commissioner Matz moved that the Renewal Lease Agreement with Ernesto Garza, Jr., for the property located at 3419-A Paredes Line Road, Brownsville, Cameron County, Texas, for the Cameron County Women-s, Infants and Children-s (WIC) Program be approved.

The motion was seconded by Commissioner Cascos and carried unanimously.

**The Agreement is as follows:**

**(26) APPROVAL OF CHANGE ORDER NO. 2, TO WATER TANK CONSTRUCTION CONTRACT WITH LAMBDA CONSTRUCTION COMPANY AUTHORIZING ADDITIONAL ELECTRICAL WORK, IN THE AMOUNT OF \$1,489.50, AND INCREASING THE CONTRACT PERIOD BY SIX (6) DAYS, WITH SAID ADDITIONAL COST TO BE PAID BY THE OLMITO WATER SUPPLY CORPORATION**

Commissioner Cascos moved that Change Order No. 2 to Water Tank Construction Contract with Lambda Construction Company be approved, authorizing additional electrical work, in the amount of \$1,489.50, and that the Contract Period be increased by six (6) days, said additional cost to be paid by the Olmito Water Supply Corporation.

The motion was seconded by Commissioner Benavides and carried unanimously.

**The Order is as follows:**



**(27) APPROVAL OF THE PURCHASE WITHOUT THE PURCHASE ORDER FROM AMERICAN INFORMATION SYSTEMS, INCORPORATED, IN THE AMOUNT OF \$1,728.04**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the Purchase without the Purchase Order from American Information System, Incorporated, in the amount of \$1,728.04, was approved.

**(29) APPROVAL OF THE PURCHASE WITHOUT THE PURCHASE ORDER FROM SEA GARDEN SALES, IN THE AMOUNT OF \$13.30**

Upon motion by Commissioner Benavides, seconded by Commissioner Peña and carried unanimously, the Purchase without the Purchase Order from Sea Garden Sales, in the amount of \$13.30, was approved.

**(31) ACTION ON THE APPOINTMENT OF FIVE (5) NEW MEMBERS TO THE EXISTING PROGRAM COORDINATING COMMITTEE TO THE FAMILY SELF SUFFICIENCY PROGRAM UNDER THE DIRECTION OF THE CAMERON COUNTY HOUSING AUTHORITY**

Upon motion by Commissioner Peña, seconded by Commissioner Benavides and carried unanimously, the following five (5) individuals were appointed to the existing Program Coordinating Committee to the Family Self Sufficiency Program under the Direction of the Cameron County Housing Authority:

- Ms. Alice Gonzalez, Co Prima;
- Mr. Carlos Sotomayor, Golden Coral;
- Ms. Gloria Ramos, Child Care Management Services;
- Ms. Carolyn Kizer, Brownsville National Bank; and
- Ms. Gail Irby, Family Crisis Center.

**(32) AUTHORIZATION TO ADVERTISE FOR THE POSITION OF EMERGENCY MANAGEMENT COORDINATOR/INTERGOVERNMENTAL LIAISON**

Commissioner Peña moved that the Position of Emergency Management Coordinator/Intergovernmental Liaison be advertised.

The motion was seconded by Commissioner Cascos and carried unanimously.

**(33) APPROVAL OF THE OFFICIAL SIGN FOR THE  
NEW COUNTY OFFICES CONSOLIDATED IN  
PORT ISABEL, TEXAS**

At this time, Mr. Joseph Ardito, Property Management Coordinator, presented two (2) versions for consideration of the official sign for the County Offices in Port Isabel, Texas.

Commissioner Matz moved that Version No. 2 be approved for the Official Sign for the new County Offices consolidated in Port Isabel, Texas.

The motion was seconded by Commissioner Cascos.

Judge Hinojosa moved that the motion be Tabled

The motion was seconded by Commissioner Peña.

At this time, Judge Hinojosa expressed his support regarding the names of Elected Officials on County Buildings, in order to guide the public to the appropriate location.

There was some discussion regarding the decision being made that there would be no names on the exterior of County Buildings and that names would be placed inside the Buildings on the Offices.

Upon motion duly made by Judge Hinojosa, seconded by Commissioner Peña and carried unanimously, this Item was Tabled.

Judge Hinojosa moved that Version No. 1 be accepted, without the names of the Adult and Juvenile Probation Directors, as the Official sign for the new County Offices consolidated in Port Isabel, Texas.

At this time, Commissioner Benavides questioned why said matter was an issue and Commissioner Cascos responded that placing the names on the County Buildings would advertise and cause a conflict during Election time.

Commissioner Cascos moved that the motion be Tabled.

The motion was seconded by Commissioner Matz and carried as follows:

**AYE:** Commissioners Benavides, Cascos and Matz

**NAY:** Commissioner Peña and Judge Hinojosa.

At this time, Mr. Doug Wright, Cameron County Counsel, stated that the Policy could not be changed and added that the issue on the Agenda was the one (1) sign.

Commissioner Cascos moved that Version No. 2, that being without names and only the Titles of the Elected Officials, be accepted as the Official sign for the new County Offices Consolidated in Port Isabel, Texas, inclusive of the phone numbers printed on the sign.

The motion was seconded by Commissioner Matz and carried unanimously.

**The Proposed Versions are as follow:**

## CONSENT AGENDA ITEM

**THE FOLLOWING ITEMS WERE RECOMMENDED FOR ACONSENT® AND WERE EITHER RECOMMENDED BY THE DEPARTMENT HEAD, WITHIN BUDGET OR AWARDED TO THE LOW BIDDER:**

Upon motion by Commissioner Cascos, seconded by Commissioner Peña and carried unanimously, the

AConsent® Agenda Items were approved as follow:

**(34) APPROVAL OF TRAVEL AND/OR TRAVEL EXPENSES FOR THE FOLLOWING, SUBJECT TO FUNDS IN THEIR BUDGET:**

- a) Civil Division Secretary to attend a ANotary Seminar® in Harlingen, Texas, on May 20, 1997;
- b) Two (2) Parks System employees to pick up generator at Texas Surplus Supply in Houston, Texas, on May 1-6, 1997;
- c) Four (4) County Extension Agents to participate in the AAnnual 4-H District Faculty Conference® in Laredo, Texas, on May 13-15, 1997;
- d) County Court at Law No. 2 Judge to attend a ACriminal Justice Conference® in Austin, Texas, on May 7-9, 1997;
- e) Constable Precinct No. 3 to attend the ATwenty (20) Hour Civil Process Seminar® in Corpus Christi, Texas, on May 11-14, 1997;
- f) Constable Precinct No. 2 and two (2) Deputies to attend the ATwenty (2) Hour Civil Process Seminar® in Corpus Christi, Texas, on May 11-14, 1997;
- g) Program Development and Management Community Development Coordinator to meet with North Alamo Water Supply Corporation Officials in Edinburg, Texas, on April 9, 1997, and April 14, 1997;
- h) County Clerk to testify on House Bill 1141 - Records Preservation Bill in Austin, Texas, on April 29-30, 1997;
- I) Eight (8) Drug Enforcement Agents to pick up Lease Vehicles in San Antonio, Texas, on April 30, 1997, and to pick up Military Equipment for Special Operation in Fort Hood, Texas, on May 1 1997;
- j) Two (2) Intelligence Reserve Specialists to attend the ADepartment of Public Safety TLET/NLETS Basic Telecommunications TCIC/NCIC Procedures School® Sulphur Springs, Texas, on June 1-6, 1997;
- k) Constable Precinct No 4 and Deputy to attend the ATwenty (20) Hour Civil Process Seminar® in Corpus Christi, Texas, on May 11-14, 1997;
- l) Deputy Constable Precinct No. 4 to attend the ASexual Assault Training® in Harlingen, Texas, on May 1, 1997;

- m) Constable Precinct No. 4 and two (2) Deputies to attend a Training for Vehicle Interdiction in Port Isabel, Texas, on May 26-27, 1997;
- n) County Treasurer to attend the County Investment Officer Training, Level II, Class I in New Braunfels, Texas, on June 5-6, 1997;
- o) Commissioner Precinct No. 2, County Auditor and five (5) Staff Members to attend the Thirty-Ninth County Auditors-Institute in Austin, Texas, on May 20-23, 1997;
- p) Health Administrator to attend the Health Communities Summit Meeting in Houston, Texas, on May 30, 1997, through June 3, 1997; and
- q) Two (2) Health Department employees to attend the Women's Health Care Seminar in Dallas, Texas, on April 15-18, 1997.

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(35) **AUTHORIZATION TO AWARD THE BIDS/REQUEST FOR PROPOSAL FOR ONE (1) EXTENDED CAB 4 x 4 PICKUP TRUCK**

**HILLTOP FORD - Dennison, Texas**  
**Extended Cab, 4 x 4 Truck without Trade - \$23,924.00**

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**SUPPLEMENTAL NOTICE**

- (1) **IN THE MATTER OF THE PROFESSIONAL SERVICES AGREEMENT INVOLVING THE SURVEYING AND LAND ACQUISITION FOR THE LOS TOMATES INTERNATIONAL BRIDGE PROJECT BETWEEN THE COUNTY AND CARLOS CASTILLO AND ASSOCIATES (NO ACTION TAKEN)**

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Peña and carried unanimously, the meeting was **ADJOURNED**.

**APPROVED** this 3rd day of June, 1997.

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**GILBERTO HINOJOSA**  
**COUNTY JUDGE**

**ATTEST:**

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**JOE G. RIVERA,**  
**COUNTY CLERK AND EX-OFFICIO CLERK**  
**OF THE COMMISSIONERS' COURT OF**  
**CAMERON COUNTY, TEXAS**